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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/637,764 08/10/00 LIANG

D 36912/CM/S61

EXAMINER

PM92/0810

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ART UNIT

PAPER NUMBER

3672

DATE MAILED:

08/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/637764

Applicant(s)

LIANG ET AL

Examiner

SCHOGPEL

Group Art Unit

3672

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE TWO MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/26/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-38 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 6, 7, 12-27 & 32-37 is/are allowed.
- ☒ Claim(s) 1-5, 8-11, 28-30 & 38 is/are rejected.
- ☒ Claim(s) 31 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 3672

DETAILED ACTION

1. The new Declarations submitted by each inventor overcomes the objection cited in the previous Office action because the error now relied upon in support of the Reissue application clearly supports the basis for such an application.
2. For the record, the submission of Patent 5,791,422 has been received and placed in the Reissue application file.
3. As requested, the drawings have been transferred from the parent '422 case to the instant Reissue application.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-5, 8-11, 28-30 and 38 are rejected under 35 U.S.C. 102(a) as being anticipated by GB 2,295,157, applicants cited prior art.

GB '157 discloses (see in particular page 4) the use of sintered and cast carbide pellets comprising about 67-71 % by weight of the composition, the balance of 29-33% being a matrix metal which is said on page 4 to be an alloyed low carbon steel, the pellets said on page 6 to be generally spherical in configuration, the sintered pellets ranging in size between 16-30 mesh and the cast pellets ranging in size between 40-80 mesh, with crushed pellets presumed to meet the size requirement of claims 9-11.

Art Unit: 3672

The priority date of this reference is before the filing date of either of applicants provisional applications but its publication date is after the filing dates of both of applicants provisional applications. Hence, since the inventors of GB '157 appear to be American citizens and the assignee corporation is an American company, it is concluded that the invention was known by others in this country before the invention thereof by the instant applicants. Applicants may overcome this rejection by submission of declarations as called for in Patent Rule 1.131.

6. Claims 6, 7, 12-27 and 32-37 are allowed.


7. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Roger Schoepfel whose telephone number is (703) 308-2147. The examiner can normally be reached on Monday through Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for this Art Unit is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

R. Schoepfel/rjs
August 9, 2001


ROGER SCHOEPPPEL
PRIMARY EXAMINER
ART UNIT 3672